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| EXAMINER | |
|---|---|
| ALHIJA, SAIF A | |
| **ART UNIT** | **PAPER NUMBER** |
| 2128 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/710,376 | TSUJI ET AL. | |
| | Examiner | Art Unit | |
| | SAIF A. ALHIJA | 2128 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *20 November 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 August 2007* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## ***DETAILED ACTION***

**1.** Claims 1-8 have been presented for examination.

## ***PRIORITY***

**2.** Applicant's claim for the benefit of a prior-filed application, 09/606,868 filed 29 June 2000, under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

## ***Response to Arguments***

**3.** A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 20 November 2008 has been entered.

**NON PRIOR ART ARGUMENTS**

i) Receipt of the Terminal Disclaimer is acknowledged and the Double Patenting rejection is withdrawn.

**PRIOR ART ARGUMENTS**

ii) Applicants argue that Saha and Geppert do not disclose a parametric method of CAD parts creation. The Examiner notes that Saha in Section 5 states the use of WebTop which is an editor which supports hierarchical cells of design in which the cells can constitute structural and schematic views of the physical circuit design. Further the section states that the cells can be accessed and modifed. This reads on the parametric method of CAD part creation where the creation of cells and their modification is recited in Saha. See also the recitation in Saha of SPICE, WebSpice, and HSPICE which reads on the graphical design of parts of an IC. Therefore the rejection is **MAINTAINED**. With respect to Geppert, the part incorporation and then remote design aspect seen in Figure 5 reads on the parametric method of CAD parts creation as recited in the claims. Specifically Figure 5 recites a system diagram option which allows the remote user, as per the paragraph in the bottom left of page 50 which states **"design tools could be run remotely"** to graphically diagram the IC being designed. Applicants argue that Geppert does not disclose the Web used to transmit information to create the part. The Examiner notes that as per Figure 5 the parts are found remotely and then designed client side as per the citation of the paragraph in the bottom

left of page 50. The Examiner further notes that the searching of part and then incorporating and/or designing the circuit client side reads on the claims as presented. Specifically taking the data of the part and then graphically rendering it client side reads on the claims as presented. Furthermore the parts themselves individually as well as the collection of parts into the IC design can constitute a part which reads on the claims as presented. Therefore the rejection is **MAINTAINED**. The Examiner encourages Applicants to further clarify the specifics of part creation since at present they are broadly defined in a manner where the Geppert reference still reads on the claim limitations as presented.

iii) Applicants argue that Saha does not disclose graphical data created on the client system. The Examiner notes that the last line of the conclusion of Saha recites that the system utilizes client end processing of the WebTop application. Further section 3.1 of Saha recites that the processing and browsing of the design is performed client side. Therefore the rejection is **MAINTAINED**.

iv) Applicants make no specific arguments with respect to the interpreter type programming language. The Examiner reiterates that interpreters and compilers are two well known methods for the implementation of a programming language. They are also not mutually exclusive. For example, with respect to Java, source code is compiled and then linked at runtime and executed by an interpreter such as a Java Virtual Machine, DynamicJava, and BeanShell. CORBA is also capable of being run through an interpreter such as CorbaScript and GSCRIPT. Both CORBA and JAVA are programming languages which can be both interpreters/compiled type based on their runtime environment and as such the rejection is maintained.

**EXAMINERS NOTE**

v) Examiner has cited particular columns and line numbers in the references applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

vi) The Examiner respectfully requests, in the event the Applicants choose to amend or add new claims, that such claims and their limitations be directly mapped to the specification, which provides support for the subject matter. This will assist in expediting compact prosecution.

vii) Further, the Examiner respectfully encourages Applicants to direct the specificity of their response with regards to this office action to the broadest reasonable interpretation of the claims as presented. This will avoid issues that would delay prosecution such as limitations not explicitly presented in the claims, intended use statements that carry no patentable weight, mere allegations of patentability, and novelty that is not clearly expressed.

viii) The Examiner also respectfully requests Applicants, in the event they choose to amend, to supply a clean version of the presented claims in addition to the marked-up copy in order to avoid potential inaccuracies with the version of the claims that would be examined.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**4. Claims 1-8 are rejected** under 35 U.S.C. 102(b) as being clearly anticipated by **Saha et al. "Web-Based Distributed VLSI Design", hereafter Saha.**

**5. Claims 1-8 are rejected** under 35 U.S.C. 102(b) as being clearly anticipated by **Geppert et al. "IC Design on the World Wide Web", hereafter Geppert.**

**Regarding Claim 1:**

**The reference discloses** A CAD part library generator system utilizing a network and comprises:

a server computer that is connected to a network and **(Saha. Figure 2) (Geppert. Figure 5, Web)**

at least one client computer that performs data transmission with said server computer via said network; **(Saha. Figure 2) (Geppert. Figure 5, Web)**

said server computer sends basic data, which are combinations of plurality of variable programs for drawing different part graphics and numerical data that are substituted into the variables of said variable programs, for CAD part graphic data from said server computer to said client computer according to a request from said client computer; **(Saha. Figure 2, PowerZone) (Geppert. Figure 5, Web)**

wherein said server computer comprises:

a storage means that stores basic data for said CAD part graphic data; and **(Saha. Section 4.4, graph plotting utility) (Geppert. Figure 4, Internal Power)**

a program data transmitting section that reads said basic data for CAD part graphic data from said storage means according to a request from said client computer, and sends that data to said client computer; said-client computer comprises: **(Saha. Figure 2, PowerZone) (Geppert. Figure 4, Web Page)**

a program data receiving section that receives said basic data for CAD part graphic data: **(Saha. Section 4.4, graph plotting utility) (Geppert. Figure 4, Web Page)**

a computing section that creates CAD part graphic data based on said basic data **(Saha. Section 4.4, graph plotting utility) (Geppert. Figure 5, Parametric Search)**

and a CAD part graphic data producing section that creates display data for the graphic display unit in said client computer based on the CAD part, graphic data created by said computing section; **(Saha. Section 4, Web-Based CAD) (Geppert. Page 47, Top Left, WELD)**

said storage means of said server computer comprises a variable program storage section that stores said plurality of variable programs, and a numerical data storage section that stores a plurality of kinds of said numerical data according to a request from said client computer, then sends that the specified

variable and numerical data to said Client computer; **(Saha. Section 5, WebTop, storage) (Geppert. Page 47, Top Left, WELD)**

and said computing section of said client computer substitutes said numerical values of specified numerical data into the variables of said specified variable program, then executes that program and creates CAD part graphic data. **(Saha. Section 5, WebTop, storage) (Geppert. Figure 2)**

**Regarding Claim 2:**

**The reference discloses** A CAD part library generator system utilizing a network and comprises:

a server computer that is connected to a network; and **(Saha. Figure 2) (Geppert. Figure 5, Web)**

at least one client computer that performs data transmission with said server computer via said network; **(Saha. Figure 2) (Geppert. Figure 5, Web)**

said server computer sends basic data for CAD part graphic data from said server computer to said client computer according to a request from said client computer; **(Saha. Figure 2, PowerZone) (Geppert. Figure 5, Web)**

wherein said server computer comprises:

a storage means that stores basic data for CAD part graphic data; and **(Saha. Section 4.4, graph plotting utility) (Geppert. Figure 4, Internal Power)**

a program data transmitting section that reads said basic data for CAD part graphic data from said storage means according to a request from said client computer, and sends that data to said client computer, said client computer comprises: **(Saha. Figure 2, PowerZone) (Geppert. Figure 4, Web Page)**

a program data receiving section that receives said basic data for CAD part graphic data; **(Saha. Section 4.4, graph plotting utility) (Geppert. Figure 4, Web Page)**

a computing section that creates graphic data based on said basic data for CAD part graphic data; and **(Saha. Section 4.4, graph plotting utility) (Geppert. Figure 4, Web Page)**

a CAD graphic data producing section that creates display data for the graphic display unit in said client computer based on the CAD part graphic data created by said computing section;

said basic data for CAD part graphic data comprises a plurality of variable programs for drawing different graphics and numerical data that is substituted into the variables of said variable programs; **(Saha. Section 4, Web-Based CAD) (Geppert. Page 47, Top Left, WELD)**

said storage means of said server computer comprises a variable program storage section that stores said plurality of variable programs, and a numerical data storage section that stores a plurality of kinds of said numerical data;

said program data transmitting section reads a specified variable program from said variable program storage section, and reads specified numerical data from said numerical, data storage section according to a request from said client computer, then sends that data to said client computer; **(Saha, Section 3.1, HTTP/CGI, Java and Corba and Geppert, Page 46, JavaCadd. The JavaCadd program and the programming languages discussed in Saha represent the interpreter type languages and further are used in performing the CAD aspects of the references, specifically the graphical/parametric data)**

said variable program is created using non-compiler interpreter-type programming language; and **(Saha, Section 3.1, HTTP/CGI, Java and Corba and Geppert, Page 46, JavaCadd. The JavaCadd program and the programming languages discussed in Saha represent the interpreter type languages and further are used in performing the CAD aspects of the references, specifically the graphical/parametric data)**

said computing section of said client computer comprises an interpreting function of said non compiler interpreter-type programming language, and substitutes said specified numerical data into the variables of said specified variable program, then executes that variable program while interpreting it by the interpreting function of said computing section, and creates CAD part graphic data. **(Saha. Section 5, WebTop, storage) (Geppert. Figure 2)**

**Regarding Claim 3:**

**The reference discloses** The CAD part library generator system utilizing a network according to claims 1 or 2 wherein said client computer further comprises:

a graphic name list display control section for displaying a list of received graphic names of the basic data for CAD part graphic data provided from said server computer on the display unit; and

a selected graphic name transmitting section that sends the names of graphics selected from said list of graphic names to said server computer,

said program data transmitting section in said server computer reads said specified variable program and specified numerical data based on the graphic names that were sent from said selected graphic name transmitting section.

**(See rejection for claim 1 as well as Saha, Section 4.1, last paragraph and Section 4.3, Java and Web Tools and Geppert Figure 5, Part Numbers)**

**Regarding Claim 4:**

**The reference discloses** The CAD part library generator system utilizing a network according to claims 1 or 2 wherein said server computer further comprises:

a parts data list storage section that groups and stores part code numbers for each part and said numerical data corresponding to the code numbers;

said program data transmitting section transmits the part data list containing the code numbers and the numerical data to said client computer according to a request of said client computer;

said client computer further comprises:

a code number list display control section that creates a parts code number list from said sent parts data list transmitted, and displays the list on said graphics display unit; and

said computing section substitutes numerical data for the parts that correspond to the names of the part code numbers selected from said displayed parts code number list into the variables of the variable program that corresponds to the names of said graphics and creates CAD part graphic data.

**(See rejection for claim 1 as well as Saha, Figure 3 and Section 5, HSpice which is a circuit design/simulator containing part/model numbers and Geppert Figure 5, Part Numbers)**

**Regarding Claim 5:**

**The reference discloses** The CAD part library generator system utilizing according to claim 4 wherein when part or all of the numerical data selected by the user in said client computer corresponds to the part code numbers selected from said part code number list in said client computer said computing section of said client computer substitutes said numerical, data that was read from said parts data list storage section and said input data into the variables in said corresponding variable program and creates CAD part, graphic data. **(Saha. Section 4.4, graph plotting utility and Geppert Figure 5, Part Numbers)**

**Regarding Claim 6:**

**The reference discloses** The CAD part library generator system utilizing a network according to claims 1 or 2 wherein said client computer further comprises:

a data format name selection function that is capable of selecting a data format name for the CAD software; and

said CAD part graphic data producing section converts the format of the CAD part graphic data created by said computing section, creates CAD part graphic data that suits the selected data format, assigns a file name and stores the data in the memory unit.

**(Saha. Section 4.4, graph plotting utility Geppert Figure 4 and Geppert, Page 46, JavaCadd)**

**Regarding Claim 7:**

**The reference discloses** The CAD part library generator system utilizing a network according to claims 1 or 2 wherein said client computer further comprises:

an interface name selection function that is capable of selecting a name for the data- exchange interface provided by the CAD software; and

said CAD part graphic data producing section converts the format of the CAD part graphic data created by said computing section to create CAD part graphic data, and registers said CAD part graphic data directly in said CAD software by way of said data-exchange interface. **(Saha. Section 4, Web-Based CAD and Geppert, Page 46, JavaCadd)**

**Regarding Claim 8:**

**The reference discloses** The CAD part library generator system utilizing network according to claims 1 or 2, comprising a parts database management program for managing parts data in said program data transmitting section of said server computer. **(Saha. Section 5, HSpice which is a circuit design/simulator and Geppert Figure 5, Part Numbers)**

***Conclusion***

**6.** All Claims are rejected.

**7.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAIF A. ALHIJA whose telephone number is (571)272-8635. The examiner can normally be reached on M-F, 11:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached on (571) 272-2279. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. *Informal or draft communication, please label PROPOSED or DRAFT*, can be additionally sent to the Examiners fax phone number, (571) 273-8635.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAA

/Kamini S Shah/
Supervisory Patent Examiner, Art Unit 2128